



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

**STATE HOUSE STATION 101
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333**

September 6th, 1991

Minutes of the September 6th, 1991 meeting of the Commission on Governmental Ethics and Election Practices held in the conference room of the Department of Economic and Community Development, 219 Capitol Street, Augusta.

Present: Chairman Paul K. McCann; Members Henry G. Beyer, Gregory G. Cyr, Joseph B. Ezhaya, Richard L. Trafton, Paul E. Violette; Commission Counsel William Stokes

Absent: Member Richard H. Pierce

The meeting was called to order at 10:35 a.m. The minutes of the April 26th and July 24th, 1991 meetings were unanimously accepted.

OLD BUSINESS

The first item, taken out of order, was the statement of Mr. Robert McNally; present at the request of the Commission. Mr. McNally denied complicity in distributing the "Smut Times" flier, claiming that the literature was circulated by his son at the behest of a man McNally said he could not identify.

Commission Counsel Stokes pointed out that there was a factual dispute concerning Mr. McNally's involvement in the distribution of the fliers; therefore, he was prepared to take the matter to court.

After some discussion, members arrived at the consensus that there was no basis for the Commission's changing its previous vote, no new evidence having been introduced. At that point, Mr. McNally offered that one William Haskell was alleged to have been involved in distributing the literature. Mr. Cyr recommended that the Attorney General's office delay further action until Mr. Haskell could be questioned. Mr. Stokes agreed to submit a report if further evidence became available,

ROUTINE BUSINESS

Next, the Director reported on staff activities for the period of April through August.

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The Commission then considered late registrations for the 1992 election campaign, and late semiannual finance reports. Mr. Violette moved, and Mr. Trafton seconded, to accept all staff recommendations except one. The following were approved:

Name	Penalty	Registration/report
Richard Romanow	\$100.00	January semiannual report
John O'Dea	\$50.00	July semiannual report
Scott Thomas	\$50.00	July semiannual report
Ruth Dodge	\$150.00	If July semiannual report filed forthwith
Christopher Gurney	\$50.00	
David Perkins	\$100.00	
Charles Pray	\$50.00	late registration
Mary Cathcart	\$20.00	
Donnell Carroll	\$20.00	
Rail Vision PAC	\$100.00	late July quarterly report

After a brief discussion of staff's rationale for recommending forgiveness of Representative Susan Farnsworth's penalty, Mr. Trafton moved to assess a \$20.00 penalty, and Mr. Violette seconded the motion.

The Commission then turned its attention to a memorandum from Counsel Stokes ruling that a conference call between members of the Commission would not satisfy the requirements of the Right to Know Law. Mr. Stokes suggested that the Commission propose legislation allowing the Commission to circulate a Memorandum of Counsel in lieu of meeting to rule on requests for advisory opinions. The legislation suggested provides for meetings by conference call with loudspeaker capability and public/press notification. Mr. Trafton asked Mr. Stokes to prepare a draft for consideration at the December 6 meeting.

Next, Ms. Canavan reported on the Commission's 1992 work program. The amount available in "all other" funds for FY 1992-93 was less than the amount expended in FY 1990-91; consequently, supplemental funds will be sought in the next legislative session.

The next item reviewed was revision of the rules. The Commission instructed staff to expedite the rulemaking process so that the Commission could adopt revisions at the December 6 meeting.

The Commission then focused on agenda building for the next meeting. In addition to the rules and draft legislation to be prepared by Mr. Stokes, Mr. McCann suggested that members consider

- 1) Reintroduction of the Commission's bill amending the campaign finance laws that failed of enactment in the first regular session, and
- 2) The draft report on fair campaign practices.



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Ms. Canavan then asked for a ruling on whether Maine's law prohibits the use of campaign funds for non-campaign related expenditures. She pointed out that the law expressly restricts the use of surplus campaign funds, but is silent on the question of whether candidates are restricted in how they may spend money during a campaign. After some discussion, Mr. McCann requested that the director prepare a one-page paper outlining potential problems associated with candidate and political action committee spending, including information about what other states are doing. It was suggested that the paper be placed on the agenda for the next meeting.

There followed some discussion of how the Commission could become self-funded. Mr. Ezhaya suggested imposing a 6 percent fee of monies raised by candidates. After some discussion of the matter, Mr. Violette suggested that Counsel look into the legality of imposing such a fee, and Mr. McCann asked the director to prepare a memorandum on the issue of self-funding for consideration at the next meeting.

At 11:45, Mr. Trafton moved, and Mr. Beyer seconded, that the Commission meet in executive session.

The Commission reconvened in regular session at 12:15. There followed some discussion of the timing of the ethics seminar required by law to be held biannually. The Chair proposed suggesting to legislative leadership that the seminar be held at a less chaotic time than the first week of the session.

The meeting was adjourned at 12:20 p.m.

Respectfully submitted,

Marilyn Canavan
Director